IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 11278 of 2004

Between:
C.S. Basha S/o. C.A. Azeez,
R/o. D.No. 4/302, Near St. Pauls School, Kalyanadurgam Road, Anantapur, Anantapur Dist.

..... PETITIONER

AND

1 the Depot ;Manager, APSRTC, Anantapur Depot, Ananthapur.
2 The Dy. Chief Traffic Manager, Ananthapur Region, Anantapur.
3 The Regional Manager, APSRTC, Anantapur Region, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent in deferment of one annual increment with cumulative effect vide proceedings No. 02/95(88)/96-ATP dt. 15.1.1997 and confirming the same by the 2nd respondent in his proceedings NO. Ty,19(232)/2000-Dy. CTM, "A" dt. 28.2.2001 as illegal, arbitrary and in violation of Principles of natural justice and in violation of Art, 14 and 21 of the Constitution of India and consequently direct the respondents to add one annual increment to the pay of the petitioner.

For the Petitioner:S.SURENDRA KUMAR. Advocate

For the Respondents.: MR.P.VINAYAKA SWAMY , SC for APSRTC

The Court Made the Following :

O r d e r:

For certain irregularities said to have been committed by the writ petitioner on 5-8-1996, charge sheet dated:24-10-1996 was issued stating that he had failed to account for the luggage tickets bearing Nos.451/802248 to 802253 of fifty paise denomination in the Statistical Return, which were issued to the passengers. For the said charge sheet, the petitioner gave explanation. The first respondent passed the impugned order imposing punishment of deferment of one increment with cumulative effect.

The learned counsel appearing for the petitioner contended that without conducting any inquiry, major penalty was imposed on the petitioner and therefore, it has to be set aside. He also requests to impose minor penalty by taking into consideration the fact that the incident has taken place about eight years back. The learned Standing counsel appearing for the Corporation did not oppose the same.

It is not in dispute that for certain irregularities, the petitioner was charge sheeted, for which he had given explanation. As the explanation was not satisfactory, punishment of deferment of one increment with cumulative effect had been imposed on the petitioner, as per the regulations of the respondent-Corporation. Imposing the punishment of deferment of one increment with cumulative effect is a major penalty, which cannot be imposed without holding an enquiry. Admittedly, no enquiry has been conducted in the present case. The incident has taken place about eight years back. The irregularity is of non-accounting of luggage tickets. At this stage, instead of sending back the matter to the concerned authorities, it is appropriate to impose punishment of minor penalty of deferment of one increment without cumulative effect.

Considering the facts and circumstances of the case, the writ petition is disposed of by modifying the major penalty of deferment of one increment with cumulative effect imposed upon the petitioner to the minor punishment of deferment of one increment without cumulative effect**.** In the circumstances no costs.

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K.C. BHANU, J.

6—7—2004
BVS

To
1 The Depot ;Manager, APSRTC, Anantapur Depot, Ananthapur.
2 The Dy. Chief Traffic Manager, Ananthapur Region, Anantapur.
3 The Regional Manager, APSRTC, Anantapur Region, Ananthapur.
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